

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

JANICE D. AYLER.,)	Case No.: 3:24-cv-5076-BHS
)	
Plaintiff,)	COMPLAINT
)	
vs.)	
I.Q. DATA INTERNATIONAL INC,)	
SILVER RIDGE VILLAGE LLC)	
)	
Defendant.)	Jury Trial: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
)	
)	
)	
)	
)	
)	
)	

INTRODUCTION

1. This is a civil action for actual, punitive, statutory damages and cost brought by Janice D. Ayler (“hereinafter Plaintiff”) an individual consumer, against defendant, I.Q. Data International INC., and Silver Ridge Village LLC (“hereinafter Defendants”) for violations of the Fair Credit Reporting Act, 15 U.S.C § 1681 et seq. (hereinafter “FCRA”), Fair Debt Collection Practices Act, 15 U.S.C § 1692 et seq. (hereinafter “FDCPA”), RCW 19.86 Washington Unfair Business Practices-Consumer Protection Act (hereinafter “CPA”).

BASIS OF JURISDICTION

1
2 2. Jurisdiction of this court arises under 15 U.S.C § 1681(p), 15 U.S.C § 1692k and 28
3 U. S. C § 1331. Venue is proper in this judicial district pursuant to 28 U.S.C. 1391(b)(1) and 28
4 U.S.C. § 1391(b)(2) because a substantial part of the events, omissions, or conduct giving rise to
5 Plaintiff claim occurred in this judicial district. Defendants transact business in Tacoma,
6 Washington.

7 3. The Court has supplemental jurisdiction of any state law claims pursuant to 28 U.S.C.
8 §1367.

9
10
11 **PARTIES**

12 4. Plaintiff Janice D. Ayler is a natural person and consumer as defined by 15 U.S.C. §
13 1681a(c), residing in Tacoma, Washington.

14
15 5. Upon information and belief, I.Q. Data International INC is a Washington Corporation.
16 Service of process for Defendant is Corporation Service Company 300 DESCHUTES WAY SW
17 STE 208 MC-CSC1, TUMWATER, WA, 98501.

18 6. Upon information and belief, Silver Ridge Village LLC is a Washington Corporation.
19 Service of process for Defendant is Yanna Zhang 2415 100th Street CT S, Tacoma Washington
20 98444.

1 7. I.Q. Data International INC is a “furnisher of information” as described in the FCRA,
2 15 U.S.C. § 1681s-2, et seq.; I.Q. Data International INC. subscribes and furnishes information
3 to consumer reporting agencies, including Equifax, Experian, and TransUnion.

4 8. I.Q. Data International INC is a debt collector as that term is defined by 15 U.S.C.
5 1692a(6) and RCW 19.16.100(4)(a), and sought to collect consumer debt by contacting Plaintiff.
6

7 9. The acts of Defendant as described in this Complaint were performed by Defendants or
8 on Defendant’s behalf by its owners, officers, agents, and/or employees acting within the scope
9 of their actual or apparent authority. As such, all references to “Defendants” in this Complaint
10 shall mean Defendants or their owners, officers, agents, and/or employees.

11 **FACTUAL ALLEGATIONS**
12
13

14 10. Upon information and belief, Defendant Silver Ridge Village LLC assigned
15 defendant IQ Data International INC. to collect an alleged balanced owed by the Plaintiff in the
16 amount of \$3,291.67

17 11. On or about June 2023, Plaintiff reviewed her Experian consumer report.
18

19 12. In the report Plaintiff noticed the account IQ DATA INT'LINCIQD0WAL020861****
20 was reporting incomplete and inaccurate data specifically the original balance and current
21 balance.

1
2 13. In a letter dated July 24th, 2023, from defendant I.Q. Data International INC. the
3 original balance indicated an amount of \$3,291.67 (See Exhibit A)

4
5 14. Through his duly authorized Power of Attorney, Plaintiff's agent initiated a phone call
6 to the Defendant, I.Q. Data International Inc., to investigate the erroneous and incomplete
7 information appearing in Plaintiffs credit report.

8 15. During the call defendant I.Q. Data International INC. confirmed that the Original
9 Balance of the alleged debt was 3,291.67

10
11 16. The original balance that the I.Q. Data International INC. is reporting on Plaintiffs
12 Experian consumer report is an inflated amount of 3,491.00 which is inaccurate. (See Exhibit B)

13 17. Plaintiff then mailed a dispute letter to Experian via USPS certified mail #
14 9414811898765414090610 disputing the accuracy of the Original Balance for account IQ DATA
15 INT'LINCIQD0WAL020861****

16
17 18. The Plaintiff also disputed inaccurate and incomplete information such as the Balance
18 (Inaccurate), Highest Balance (Incomplete/missing), and Payment history (Incomplete for Jan
19 2021).

1 19. Upon information and belief, consumer reporting agency Experian, sent all relevant
2 dispute information and notification to IQ Data International INC, providing all relevant
3 information of Plaintiffs subject dispute regarding IQ Data International INC.

4 20. On or about July 25, 2023, Plaintiff received dispute results back from Experian. (See
5 Exhibit C)
6

7 21. In the Experian dispute results, Defendant verified the account inflated original
8 balance, inaccurate current balance and incomplete payment history as accurate and complete
9 and did not delete, modify or correct these inaccurate items as required by 15 U.S.C.
10 1681s-2(b)(1)(E) . (See Exhibit C)

11 ***Plaintiff Damages***
12

13 22. As a result of the material misleading credit reporting of Defendant and the failure to
14 conduct a reasonable investigation, Plaintiff suffered actual damages, including but not limited
15 to, mental and emotional distress, being denied credit, being granted credit with a much higher
16 interest rate, court cost, mailing cost, loss of time and cost for service of process.

17 23. **Plaintiff's credit report was disseminated multiple times, resulting in Plaintiff**
18 **being denied an apartment lease on or about January 26, 2023.**
19

20 24. Plaintiff justifiably fears that, absent this court's intervention, defendants will continue
21 to use abusive, deceptive, unfair, and unlawful means in its attempts to collect alleged debts and

1 inaccurately report information on consumer reports, and not conduct investigations as required
2 by the FCRA.

3
4 25. A favorable decision herein would redress Plaintiff's injury with money damages.

5
6 26. A favorable decision herein would serve to deter Defendants from further similar
7 conduct.

8
9 **COUNT 1 VIOLATION OF THE FAIR CREDIT REPORTING ACT**
10 **15 U.S.C. § 1681s-2(b) DEFENDANT I.Q. INTERNATIONAL DATA INC., SILVER**
11 **RIDGE VILLAGE LLC (VICARIOUS LIABILITY)**

12 27. All preceding paragraphs are realleged.

13 28. Furnishers of credit information have a duty under the FCRA to investigate disputes
14 from consumers as to the completeness and accuracy of information being reported.

15 29. Plaintiff submitted a written dispute to Experian disputing the completeness and
16 accuracy of the account being reported by I.Q. Data International.

17
18 30. The Defendant was obligated pursuant to section 1681s-2(b) of the FCRA to conduct
19 a complete and thorough investigation with respect to the Plaintiff's dispute.

1 31. The Defendant failed to reasonably investigate Plaintiff's dispute. Indeed, the
2 Defendant knew the correct balance and original balance for the account but continued to report
3 the inaccurate information regardless after the Plaintiffs proper dispute.

4 32. After conducting no investigation or failing to conduct a reasonable investigation,
5 I.Q. International's actions violated 15 U.S.C § 1681s-2(b) and renders I.Q Data International
6 liable for actual, statutory, and punitive damages and cost under 15 U.S.C § 1681n. I.Q. Data
7 International violations were negligent, entitling Plaintiff to recovery under 15 U.S.C § 1681o as
8 well.

9 33. As a direct and proximate result of I.Q Data International willful, malicious, reckless,
10 wanton, and or negligence, to delete or modify the information as mandated by the FCRA,
11 Plaintiff has been harmed as explained above.

12 34. Plaintiff asserts that Defendant Silver Ridge Village LLC is vicariously liable for all
13 the actions of I.Q. Data International INC., pursuant to the legal doctrine of vicarious liability.
14 Silver Ridge Village LLC either knew or should have known about the actions and conduct of
15 I.Q. Data International INC., as they acted as an agent, employee, or representative of Silver
16 Ridge Village LLC.

17
18 **COUNT II VIOLATION OF THE FAIR DEBT COLLECTION PRACTICES ACT**
19 **15 U.S.C. § 1692e(2)(A) DEFENDANT I.Q. INTERNATIONAL DATA INC., SILVER**
20 **RIDGE VILLAGE LLC (VICARIOUS LIABILITY)**

21 35. All preceding paragraphs are realleged.

1 36. Defendants violated 15 U.S.C. § 1692e(2)(A) by willfully falsely misrepresenting the
2 character amount of the Plaintiffs alleged debt.

3
4 37. Defendants caused injury in fact to Plaintiff, by causing, among other things, mental
5 and emotional distress, damage to credit reputation, and resulting in credit damages to Plaintiff
6 as a result of its acts and/or omissions alleged herein.

7 38. Defendants' acts and/or omissions were willful and/or negligent.

8
9 39. Plaintiff is entitled to actual damages, punitive damages, and costs from defendants
10 pursuant 15 U.S.C. § 1692k for Defendants willful noncompliance with the FCRA.

11 40. Plaintiff asserts that Defendant Silver Ridge Village LLC is vicariously liable for the
12 actions of I.Q. Data International INC., pursuant to the legal doctrine of vicarious liability. Silver
13 Ridge Village LLC either knew or should have known about the actions and conduct of I.Q. Data
14 International INC., as they acted as an agent, employee, or representative of Silver Ridge Village
15 LLC.

16
17 **COUNT III VIOLATION OF THE WASHINGTON CONSUMER PROTECTION**
ACT RCW 19.86 DEFENDANT I.Q. INTERNATIONAL DATA INC., SILVER RIDGE
VILLAGE LLC (VICARIOUS LIABILITY)

18 41. All preceding paragraphs are realleged.

19
20 42. In addition, Defendants' violations of the FDCPA and FDRA as outlined above
21 themselves constitute per se violations of the CPA. *See Sims v. Midland Funding LLC*, 2021 WL 1546135 at *5 (W.D. Wash. Apr. 20, 2021) (citing *Hoffman v. Transworld Sys. Inc.*, 806 F. App'x 549, 552 n.3 (9th Cir. 2020)).

1 43. Therefore, each of the foregoing FDCPA and FCRA claims are reasserted herein as
2 "per se" violations of the CPA, and Defendants thus violated the Washington Consumer
3 Protection Act on this basis as well.

4 44. Not conducting a responsible investigation and willfully reporting an inaccurate
5 balance and original balance amount is an unfair and deceptive act.

6
7 45. False misrepresentations of the character amount of the Plaintiffs alleged debt is an
8 unfair and deceptive act.

9
10 46. Defendants' acts have the capacity to injure other persons.

11 47. Plaintiff has suffered actual damages to include loss of time, court, mailing, and
12 process of service cost.

13
14 48. Plaintiff is entitled to tremble actual damages at the court's discretion pursuant to
15 RCW 19.86.090.

16
17 49. Plaintiff asserts that Defendant Silver Ridge Village LLC is vicariously liable for the
18 actions of I.Q. Data International INC., pursuant to the legal doctrine of vicarious liability. Silver
19 Ridge Village LLC either knew or should have known about the actions and conduct of I.Q. Data
20 International INC., as they acted as an agent, employee, or representative of Silver Ridge Village
21 LLC.

JURY DEMAND AND PRAYER FOR RELIEF

Wherefore, Plaintiff Janice D. Ayler, respectfully demands a jury trial and request that judgment be entered in favor of the Plaintiff against the Defendant for:

(A) Preliminary and permanent injunction order pursuant to Fed. R. Civ. P.65 enjoining IQ Data International INC from reporting the disputed tradeline concerning Plaintiff to all consumer reporting agencies.

(B) Damages pursuant to 15 U.S.C § 1692k.

(C) Actual, statutory, and/or punitive damages, costs, pursuant to 15 U.S.C. § 1681n and 15 U.S.C. § 1681o;

(D) Treble Damages pursuant to RCW 19.86.090

(E) For such other and further relief as the Court may deem just, proper, and equitable.

CERTIFICATION AND CLOSING

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.



Janice D. Ayler

janicedayler@gmail.com

PO BOX 99284

Lakewood, WA 98496-0284

Date: 1/26/2024

21222 30th Drive SE, Suite 120, Bothell, WA 98021-7012

Hours: Monday-Tuesday, 9AM TO 6PM PST, Wednesday-Friday, 8AM TO 5PM PST • Toll Free 888-248-2509

Send all Written Disputes to: P.O. Box 340, Bothell, WA 98041-0340

EXHIBIT A



July 24, 2023

RE: Letter of Dispute

Original Creditor: SILVER RIDGE VILLAGE APTS (WA)

Principal Due: \$3291.67

Interest Due: \$1253.30

Total Due: \$4544.97

D07 - Account #: 0008610062

Dear AYLER, JANICE,

We are in receipt of your letter of dispute. Please be advised we have reviewed your dispute and our records indicate it is substantially the same as your prior dispute on file. Because your dispute alleges no new facts on which to form the basis for a new investigation, we will not be conducting another investigation of the dispute. If you have any additional information or documentation in support of your dispute, please submit that to us and we will open a new investigation.

We have requested that the credit reporting agencies report your account as disputed. We will continue to report the account as disputed unless you indicate otherwise.

Listed above is a summary of the charges on the account. Should you have any questions regarding this account or if you wish to discuss payment arrangements, please feel free to contact us at the number listed below. We look forward to helping you resolve this matter.

Sincerely,

Account Representative
888-248-2509

This communication from a debt collector is an attempt to collect a debt and any information obtained will be used for that purpose. Your outstanding principal balance will accrue interest at a rate of 009.00 percent per annum.

As of the date of this letter, you owe \$4544.97. Because of interest, late charges and other charges that may vary from day to day, the amount due on the day you pay may be greater. Hence, if you pay the amount shown above, an adjustment may be necessary after we receive your payment, in which event we will inform you before depositing the payment for collection. For further information, write the undersigned or call 1-888-248-2509.

ICORENT01D07_504581763

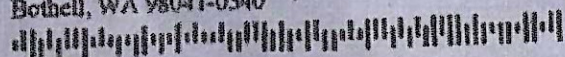
Detach Lower Portion and Return with Payment

IQD
PO Box 1280
Onks PA 19456-1280
ADDRESS SERVICE REQUESTED

Card number plus 3 or 4-digit security code (on back of card)		Circle One <input type="checkbox"/> 1 <input type="checkbox"/> 2
Cardholder Name	EXP. DATE /	
Cardholder Signature	AMOUNT \$	

July 24, 2023

I.Q. Data International, Inc.
P.O. Box 340
Bothell, WA 98041-0340



D07



AYLER, JANICE
JANICE AYLER
PO Box 99284
Lakewood WA 98496-0284

ICORENT01D07_504581763



Prepared For JANICE D. AYLER Date generated: Jul 31, 2023

Collection accounts

EXHIBIT B

IQ DATA INTERNATIONAL		\$4,549
Original creditor: SILVER RIDGE VILLAGE APTS WA		Closed

Account info		
Account name	IQ DATA INTERNATIONAL	Balance \$4,549
Account number	IQDOWAXXXXXXXXXX	Balance updated Jul 29, 2023
Original creditor	SILVER RIDGE VILLAGE APTS WA	Original balance \$3,491
Company sold	-	Monthly payment -
Account type	Collection	Last Payment Date May 03, 2021
Date opened	Jan 28, 2020	Past due amount \$4,549
Status	Collection account. \$4,549 past due as of Jul 2023.	Terms 1 Month
Status updated	Jan 2020	Responsibility Individual
		Your statement -

Payment history													
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
2023	C	C	C	C	C	C	C	-	-	-	-	-	
2022	C	C	C	C	C	C	C	C	C	C	C	C	
2021	ND	C	C	C	C	C	C	C	C	C	C	C	
2020	-	-	C	C	C	C	C	C	C	C	C	C	

C Collection ND No data for this period - Data Unavailable

Contact info	
Address	21222 30TH DR SE STE 120 BOTHELL, WA 98021
Phone number	(888) 248-2509

Comments
Account information disputed by consumer (Meets requirement of the Fair Credit Reporting Act)

EXHIBIT C

Dispute Results (Continued)

After Dispute

IQ DATA INTERNATIONAL Partial Acct # IQDOWAL0208610062
1010 SE EVERETT MALL WAY 100 EVERETT WA 98208; (888) 248 2509

Status (Jan 2020) Collection account.
\$4,537 past due as of Jul 2023.

Date opened
Jan 2020

Terms
1 Months

Recent balance
\$4,537 as of Jul 2023

Payment history: Mar 2020 - Jul 2023

Address ID #
0204124969

Monthly payment
Not reported

This account is
scheduled to continue on
record until Aug 2026.

Original creditor
SILVER RIDGE
VILLAGE APTS WA

Credit limit or
original amount
\$3,491

Comment
Account information
disputed by consumer
(Meets requirement of
the Fair Credit Reporting
Act).

Type
Collection

High balance
Not reported

Responsibility
Individual

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
2023	C	C	C	C	C	C	C					
2022	C	C	C	C	C	C	C	C	C	C	C	C
2021	ND	C	C	C	C	C	C	C	C	C	C	C
2020	C	C	C	C	C	C	C	C	C	C	C	C

Incomplete

Comment History

Account information disputed by consumer (Meets requirement of the Fair Credit Reporting Act). | Jun 2023 - Mar 2021

	Jun23	May23	Apr23	Mar23	Feb23	Jan23	Dec22
Account Balance	\$4,509	\$4,497	\$4,475	\$4,446	\$4,424	\$4,401	\$4,378
Date Payment Received	05.03.21	05.03.21	05.03.21	05.03.21	05.03.21	05.03.21	05.03.21
Scheduled Payment Amount	No Data	No Data	No Data	No Data	No Data	No Data	No Data
Actual Amount Paid	No Data	No Data	No Data	No Data	No Data	No Data	No Data

The original amount of this account was \$3,491

If the reinvestigation does not resolve your dispute, you have the right to add a statement of up to 100 words to your file disputing the accuracy or completeness of the information.

If you provide a consumer statement that contains medical information related to service providers or medical procedures, then you expressly consent to Experian including this information in every credit report we issue about you. You may contact the company that reports the information to us and dispute it directly with them. If you wish to obtain documentation or written verification concerning your accounts, please contact your creditors directly. You may provide us additional information or documents about your dispute to help us resolve it by visiting www.experian.com/upload. You may also mail your information to Experian, P.O. Box 9701, Allen, Texas 75013.

You may file a complaint about Experian or the company reporting the item, with the Consumer Financial Protection Bureau or your State Attorney General's office. If there has been a change to your credit history resulting from our reinvestigation, or if you add a consumer statement, you may request that Experian send an updated report to those who received your report within the last two years for employment purposes, or within the last six months for any other purpose (the past 12 months for residents of Colorado, Maryland or New York), or within the last year for any non-employment purpose under the California Investigative Consumer Reporting Agencies Act. If you send a request to have your results sent to past recipients of your credit report, please designate the organization's name and address. In the event an organization is not specifically designated, we will generally default to sending only to companies that have requested your credit information as a result of an action you took, such as applying for credit, insurance, employment or apartment rental. If you request to have your results sent to past recipients of your investigative consumer report, you have the right to designate which entities you wish to receive the updated report and which entities you do not wish to receive the update. If interested, you may also request a description of how the reinvestigation was conducted along with the business name, address and telephone number (if reasonably available) of the furnisher of information. For frequently asked questions about your credit report, please visit experian.com/consumerfaqs.

Medical Information

By law, we cannot disclose certain medical information (relating to physical, mental, or behavioral health or condition). Although we do not generally collect such information, it could appear in the name of a data furnisher (i.e. "Cancer Center") that reports your payment history to us. If so, those names display on your report, but on reports to others, they display only as MEDICAL PAYMENT DATA. Consumer statements included on your report at your request that contain medical information are disclosed to others.

Payment History Legend

OK Current / Terms met	150 Past due 150 Days	VS. Voluntarily surrendered	D Defaulted on contract
30 Past due 30 Days	180 Past due 180 Days	R Repossession	C Collection
60 Past due 60 Days	CRD Creditor received deed	PBC Paid by creditor	CO Charge off
90 Past due 90 Days	FS Foreclosure proceedings started	EC Insurance claim	CLS Closed
120 Past due 120 Days	F Foreclosure	G Claim filed with government	ND No data for this period

! Your Potentially Negative Account Activity

The most common items in this section are late payments, accounts that have been charged off or sent to collection, accounts settled for less than full value, and items that may need closer attention, such as transferred accounts.